

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HENRY HILL, *et al.*,

Plaintiffs,

Case No. 10-14568

v.

Hon. John Corbett O'Meara

RICK SNYDER, *et al.*,

Defendants.

ORDER DENYING MOTION FOR STAY

Before the court are Defendants' motions for stay pending appeal and for immediate consideration, filed December 6, 2012. Plaintiff filed a response on December 13, 2013. Defendant submitted a reply on December 17, 2013.

Defendants are appealing several of the orders entered in this case, including the court's most recent order dated November 26, 2013. In determining whether a stay should be granted pending appeal, the court considers the same four factors that are traditionally considered in analyzing a motion for preliminary injunction.

See Hilton v. Braunskill, 481 U.S. 770, 776 (1987); Michigan Coalition of Radioactive Material Users, Inc. v. Griepentrog, 945 F.2d 150, 153 (6th Cir. 1991).

These well-known factors are: (1) the likelihood that the party seeking the stay will prevail on the merits of the appeal; (2) the likelihood that the moving party will be irreparably harmed absent a stay; (3) the prospect that

others will be harmed if the court grants the stay; and (4) the public interest in granting the stay.

Michigan Coalition, 945 F.2d at 153. The Sixth Circuit has emphasized that these “factors are not prerequisites that must be met, but are interrelated considerations that must be balanced together.” Id.

The court finds that Defendants have neither demonstrated a sufficient likelihood of success on the merits nor irreparable harm. See Michigan Coalition, 945 F.2d at 154 (“Mere injuries, however substantial, in terms of money, time and energy necessarily expended in the absence of a stay, are not enough.”). Absent a showing on these key factors, a stay is unwarranted.

ORDER

IT IS HEREBY ORDERED that Defendants’ motion for immediate consideration is GRANTED.

IT IS FURTHER ORDERED that Defendants’ motion for stay pending appeal is DENIED.

s/John Corbett O’Meara
United States District Judge

Date: December 19, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, December 19, 2013, using the ECF system.

s/William Barkholz
Case Manager